

## United States District Court

for the

Eastern District of Washington

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Aug 14, 2024

SEAN F. MCAVOY, CLERK

## Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Michael Douglas Frank

Case Number: 0980 2:17CR00132-TOR-1

Address of Offender: [REDACTED] White Swan, Washington 98952

Name of Sentencing Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: February 20, 2018

Original Offense: Domestic Assault by a Habitual Offender, 18 U.S.C. § 117

Original Sentence: Prison - 48 months  
TSR - 36 months

Type of Supervision: Supervised Release

Revocation Sentence: Prison - 7 months  
01/06/2022 TSR - 29 monthsRevocation Sentence: Prison - 36 days  
06/29/2022 TSR - 27 months, 24 daysRevocation Sentence: Prison - 7 months  
09/28/2023 TSR - 20 months

Asst. U.S. Attorney: Alison L. Gregoire

Date Supervision Commenced: June 29, 2022

Defense Attorney: Kathryn Patricia Lucido

Date Supervision Expires: October 22, 2024

## PETITIONING THE COURT

To issue a warrant.

On July 13, 2022, Mr. Frank reported to the probation office. He reviewed and signed his judgment acknowledging his supervision conditions.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1

**Special Condition #5:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** Mr. Frank is considered to be in violation of his supervised release conditions by consuming fentanyl on, before, or after June 29, 2024.

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On July 2, 2024, Mr. Frank made telephone contact with United States Probation Officer (USPO) Santana. He reported he consumed fentanyl on June 29, 2024.

2      **Special Condition #4:** You must undergo substance abuse evaluations and, if indicated by a licensed/certified treatment provider, enter into and successfully complete approved substance abuse treatment programs, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

**Supporting Evidence:** Mr. Frank is considered to be in violation of his supervised release conditions by failing to following program rules and requirements at the Northwest Indian Treatment Center (NWITC) inpatient program resulting in termination on August 14, 2024.

On July 2, 2024, Mr. Frank made telephone contact with USPO Santana and admitted to relapsing on fentanyl. Mr. Frank requested to enter inpatient treatment and secured a bed date at NWITC in Elma, Washington, for July 29, 2024.

On July 23, 2024, Mr. Frank made telephone contact with USPO Santana advising he secured a bed at Harbor Crest detox facility located in Aberdeen, Washington on July 29, 2024, and then staff at the detox facility would transport him to NWITC for admittance.

On July 29, 2024, USPO Santana received a telephone call from a staff member at Harbor Crest detox facility confirming Mr. Frank was transported and arrived at NWITC on the above-noted date for admittance into inpatient treatment.

On August 13, 2024, the below officer received a telephone call from Mr. Frank's counselor, Sonja McMillan, at NWITC. She advised he was being discharged effective August 13, 2024, for not following directions, refusing to attend group sessions, and being "rude" to staff. Additionally, Ms. McMillan stated Mr. Frank was placed on a therapeutic blackout based on his noncompliance, to include no walking around the facility grounds and no telephone calls. She stated on August 13, 2024, Mr. Frank, against his therapeutic blackout, left to go on a walk around the grounds of the facility. Ms. McMillan also stated she had a meeting with Mr. Frank in her office, he got up and walked out during the conversation. Lastly she stated the clinical manager drives a Harley Davidson motorcycle to work. She stated yesterday the clinical manager was warming up the motorcycle in the parking lot, Mr. Frank got onto the handlebars and "revved" the engine. He was warned not to touch staff members' vehicles.

Per Ms. McMillan, Mr. Frank refuses to follow program rules and requirements, and they can no longer house him at their facility.

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The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the defendant to appear to answer to the allegation contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 13, 2024

s/Linda J. Leavitt

Linda J. Leavitt  
U.S. Probation Officer

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## THE COURT ORDERS

- ☐ No Action  
☒ The Issuance of a Warrant  
☐ The Issuance of a Summons  
☐ Other



Thomas O. Rice  
United States District Judge

August 14, 2024

Date